

Elizabeth R. Loveridge, #6025  
David A. Nill, #8784  
**WOODBURY & KESLER, P.C.**  
265 East 100 South, Suite 300  
P.O. Box 3358  
Salt Lake City, UT 84110-3358  
Tel: (801) 364-1100

Attorneys for Chapter 7 Trustee

---

**IN THE UNITED STATES BANKRUPTCY COURT  
IN THE DISTRICT OF UTAH**

---

In re:

**Melissa Anne Mcinnes Tebbs**  
SSN: XXX-XX-6555

Debtor(s).

Bankruptcy Case No. **08-22059 WTT**

Chapter 7

**[ELECTRONICALLY FILED]**

---

**TRUSTEE'S MOTION FOR ORDER APPROVING SALE OF PERSONAL  
PROPERTY FREE AND CLEAR OF ALL LIENS AND INTERESTS**

---

Elizabeth R. Loveridge, Chapter 7 Trustee, by and through her counsel of record, and pursuant to 11 U.S.C. § 363 and Fed. R. Bankr. Proc. 6004 hereby respectfully moves this Court for an order authorizing the sale of personal property other than in the ordinary course of business as set forth herein. This motion, and a similar motion seeking authorization of the sale of the same personal property in *In re Kenneth C. Tebbs*, Case No. 08-20546, are filed at the same time to effectuate the sale of personal property that is property of either or both bankruptcy estates. The sale contemplated is a sale free and clear of liens and interests with valid liens and interests to attach to sale proceeds after costs and expenses have been paid.

1. Terms and Conditions of Sale. The Trustee intends to sell the following personal

property ("Property"):

**Tissot Watch**  
**Misc. Pearl Bracelets & Earrings**  
**Honora Watch**  
**Pearl Necklace, Earrings & Bracelet**  
**Womens Diamond Ring Solitaire**  
**Women's Gold Ring with Three Diamonds**  
**Large Blue Tourmaline Ring 18 Kt**  
**Women's Phillips Stein Teslar Stingray Watch**  
**Tagheur Ladies Watch with Diamonds**  
**Techno Marine Chronograph w/ Diamond Bezel**  
**4 Misc. Necklaces**  
**2 Bands –1 with Rubies and 1 with Sapphires**  
**2002 Honda Oddessy 2HKRL18672H585081**

PROPERTY JOINTLY OWNED WITH KENNETH C. TEBBS, DEBTOR IN CASE NO. 08-20546

**Mirror**  
**Dining Table and 6 Chairs**  
**Sofa and Chair**  
**Leather Loveseat**  
**Outdoor Patio Set**  
**Treadmill**  
**Weight Bench and Weights**  
**Lawn Mower**  
**2007 Yamaha ATV #JY4AB02Y67C048238**  
**2003 Yamaha Dirt Bike #JYACB03Y23A023380**

a. The Trustee believes that the highest and best price for the Property will be obtained by selling said Property at public auction performed by the court-appointed auctioneers, Erkelens Sale & Auction, 430 West 300 North, Salt Lake City, Utah 84103, at the auction to be held on October 17, 2009. All inquiries for further information with regard to these contemplated sales should be directed to Erkelens Sale & Auction at (801) 355-6655.

b. The Trustee believes the Property is free and clear of liens.

c. The sale of the Property shall be without warranty or representation and “As Is”. This sale shall be for cash; no terms on bids will be accepted. Any purchaser is considered to have inspected the Property and know of its condition, value and use. In the event the Property purchase is located on premises not belonging the court-appointed auctioneer, the purchaser is responsible for negotiating with the owner of the premises for the use of the premises or for the removal of the Property from the premises. In the event any purchaser fails to perform on the bid, any amount paid shall be forfeited and the bidder shall be liable to the estate for any damages or losses resulting from such failure to perform and the sale of the Property shall go to the next highest and best offer, subject to the Trustee’s right to conduct an auction. The Trustee reserves the right to alter and modify these terms and conditions.

d. To assure that the highest and best price is obtained and that the sale is commercially reasonable, notice of the sale has been provided to all parties in interest as set forth on the mailing matrix in this case. Furthermore, the auctioneer will provide notice of the sale (together with information regarding Property and the terms of sale) to additional parties known by the auctioneer to be interested in the purchase of this type of personal property.

e. Because of the date of the Auction, the Trustee requests a waiver of the ten-day stay period set forth in Fed. R. Bankr. Pro. 6004(g).

WHEREFORE, based upon the terms and conditions set forth in this motion, the Trustee requests that the Court enter an Order Approving the sale of the property free and clear of liens and interests pursuant to 11 U.S.C. § 363, and waiving the stay period of Fed. R. Bankr. Pro. 6004 (g).

DATED this 18<sup>th</sup> day of September, 2009.

**WOODBURY & KESLER, P.C.**

\_\_\_\_\_/s/\_\_\_\_\_  
David A. Nill  
Attorneys for Chapter 7 Trustee

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of September, 2009, I caused a true and correct copy of the foregoing **TRUSTEE'S MOTION FOR ORDER APPROVING SALE OF PERSONAL PROPERTY FREE AND CLEAR OF ALL LIENS AND INTERESTS** to be sent via ECF to the registered users as indicated or otherwise mailed, postage prepaid, to:

Office of the United States Trustee  
Attn: Rayla Meyer (via ECF)  
Ken Garff Building  
405 South Main Street  
Suite 300  
Salt Lake City, UT 84111

Melissa Anne McInnes Tebbs  
P.O. Box 951064  
South Jordan, UT 84095-1064

Paul James Toscano (via ECF)  
Newhouse Building Ste 614  
10 Exchange Place  
Salt Lake City, UT 84111

\_\_\_\_\_/s/\_\_\_\_\_  
Raquel Beattie